

REMARKS/ARGUMENTS

Applicants wish to thank Examiner Soderquist for the helpful discussion on March 15, 2007. Based on the discussion, Applicants have amended the claims.

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 60 have been canceled.

Claim 39 has been amended as supported by paragraph [107] of the specification.

Claim 62 has been amended as supported by the original specification.

No new matter is believed to have been added by entry of this amendment. Entry and favorable reconsideration are respectfully requested.

Upon entry of this amendment Claims 39, 41, 44-45, 48, 50-53, 55-59, 61-62, 65-67 and 69-76 will now be active in this application.

The present invention as set forth in **Claim 39** relates to a process for determining catalytic properties of individual building blocks of a material library disposed in a substrate, the process comprising:

introducing a starting material to the building blocks for carrying out a chemical or physical or chemical and physical conversion of the starting material and obtaining for each building block an effluent stream containing a conversion product and/or the starting material;

simultaneously measuring, with a first sensor, a temperature or temperature change of each building block; and

determining, automatically by a data processing system, which of the building blocks to include in a subset of the building blocks by comparing the temperature or temperature change with a predetermined limit value, the subset including fewer than all of the building blocks measured with the first sensor; and

measuring, with a further sensor, a further parameter which is indicative of the selectivity of each of the building blocks in only the subset, wherein the selectivity is measured in the respective effluent streams by determining the concentration of the desired product, or the concentration of the parallel products and the residual concentration of the starting materials.

Amended Claim 62 relates to an apparatus comprising:

means for receiving building blocks;

means for introducing a starting material to the building blocks;

a first sensor for measuring a temperature or a temperature change of the building blocks;

a second sensor for measuring a second parameter which is indicative of the selectivity of only a subset of the building blocks, the subset including fewer than all of the building blocks; and a data processing device that selects the building blocks to be included in the subset by comparing the first parameter with a predetermined limit value; and further comprise a drive means and a sniffing capillary, the drive means being controlled automatically by the data processing device to position the sniffing capillary to receive the effluent stream of each building block of the subset, and the sniffing capillary being configured to conduct the effluent streams to the second sensor.

Turner (US 6,508,984), Moates, McFarland (US 6,541,271), Willson (WO 97/32208 or US 6,063,633) and Weinberg (US 5,959,297) fail to disclose or suggest the processes as claimed, in particular,

- the simultaneous measurement of the temperature or a temperature change with a first sensor, e.g. thermographical measurement by an infrared camera, using a set of building blocks representing the samples to be measured;

- determining and selecting a subset of these samples by a data processing system based on the information obtained from the first sensor; and
- using each sample again as far as it is a member of the subset for a further measurement with a further sensor to determine the selectivity of each of the building blocks in only the subset.

In one embodiment, the dual measuring is carried out with the same sample and substrate using the respective effluent streams for the second measurement.

None of the cited references discloses or suggests to use the above parameters and to carry out the measurements in the above order using the same sample and the same apparatus, substrate respectively, including a selection “after the first measurement stage” for the measurement of an effluent stream.

In Claim 39, a process is provided for determining catalytic properties including the steps of measurement the temperature or temperature change of each building block during a conversion resulting in an effluent stream which is analyzed in a second measurement, wherein between first and second measurement a selection is carried out and wherein the same conversion (reaction) is used for both, the first and second measurement.

The same applies for Claim 62 where a sniffing capillary is part of the apparatus and being configured to conduct the effluent streams to the second sensor.

With respect to a distinct building block, the first and second measurement is performed under identical reaction conditions in the same environment almost at the same time.

In contrast, especially according to figure 2 of Turner et al., a first screen (110) is carried out using daughter plates (222), wherein parts of said plates are transferred to carry out a further screening (see especially column 16, lines 39-44 of Turner et al.). For the secondary screening, the same reaction is repeated. This repeating means that there is no first

and second screening with an effluent stream using the identical reaction. Turner et al. merely discloses the well-known practice in prior art to carry out several screenings independently and do not suggest to use the same apparatus according to claim 62 of the present application to carry out a process according to claim 39 of the present application where a first and second screening is carried out with the effluent stream of a single reaction and wherein between these two screenings a selection is carried out. Such an apparatus or process is neither disclosed nor suggested by Turner et al.

Further, in Moates et al., no hint is made with regard to an apparatus or process according to the present claims.

Moreover, McFarland et al. (US-B 6,541,271) and Weinberg et al. (US-A 5,959,297) only refer to special detection methods but fail to disclose or suggest an apparatus or process according to the present claims.

With regard to Wilson et al., no apparatus and process as claimed is disclosed or suggested. Further, as admitted by the Examiner, Willson fails to disclose using two analysis methods together or selecting a subset of the total candidates for a second analysis method. See Office Action of March 8, 2006, at page 4.

In view of the above, the rejection of Claims 39, 44-45, 48, 50-53 and 65-76 under 35 U.S.C. § 103(a) over Turner (US 6,508,984) in view of Moates, McFarland (US 6,541,271) or Willson (WO 97/32208 or US 6,063,633) and Weinberg (US 5,959,297) is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

The objection to Claims 47 and 64 is moot in view of the cancellation of these claims.

This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

Kirsten A. Grüneberg, Ph.D.
Registration No. 47,297